REMARKS

In the Office Action mailed November 30, 2005, claims 1-20 were rejected. Claims 1-13 and 15-20 were rejected under 35 U.S.C. §102(e) as being anticipated by Bengston (U.S. Pat. No. 6,728,947). Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bengston.

Claim Rejections - 35 U.S.C. §102(e)

Claims 1-13 and 15-20 were rejected under 35 U.S.C. §102(e) as being anticipated by Bengston (U.S. Pat. No. 6,728,947).

Amended independent claim 1 requires a workflow management system that includes a compiled program kernel containing multiple differentiated tasks defined as separate functions with the compiled program, a graphical interface for sequentially arranging objects corresponding to an order in which the multiple differentiated tasks are performed by the compiled program kernel, a database for storing the arrangement of objects as a checklist that governs a workflow, and a data dictionary specific to a selected industry that contains discrete data elements accessible by the compiled program kernel to process the checklist.

According to the present invention, the data dictionary provides comprehensive, industry-specific data definitions and data relationships to the work flow management system, the graphical interface, any related messaging system, and the database containing the checklist. (Pp. 2, 6 and 12). The data dictionary is a dynamically-modifiable database that provides the discrete decisioning items used by the workflow management system to make logical decision. The data dictionary is stored within state store 28, and can be an XML construct. (Pp. 3, 7 and 24; FIG. 2). The data dictionary is constructed to be specific to the selected industry within its definition. The data dictionary is also used by the graphical interface to present a graphical depiction of the workflow, showing both logical constructs and data collections, using industry standard terminology (for the selected industry). Because the industry specific information is contained within the data dictionary, any vertical industry application implementation can be deployed to the workflow system by creating a data dictionary specific to that vertical industry. The

interface between the data dictionary and the compiled program kernel is dynamic and is in itself rules based, such that any industry (e.g., the lending industry) can thus be represented in this framework given that a base data dictionary has been defined.

Bengston discloses a workflow distributing apparatus and method. The system of Bengston coordinates an ordered workflow that is executed by a plurality of processing devices. (Bengston, col. 4, line 66 to col. 6, line 3; FIG. 1). The system of Bengston is described with reference to coordinating printing workflows, where steps of the printing process are performed on devices at disparate locations. (E.g., Bengston, col. 1, ll. 10-47; FIG. 3). The workflow is automated so as not to require any user input while in process, and the workflow continues to until completion or until an error occurs. (Bengston, Abstract; col. 11, ll. 5-8 and 27-30; col. 14, ll. 35-39; FIG. 1).

However, Bengston does not show, teach or disclose each and every element of amended independent claim 1. More particularly, Bengston does not show, teach or disclose a data dictionary that is accessible by a compiled program kernel to process a workflow checklist as required by amended independent claim 1. Bengston is concerned with coordinating physical processing of items and data for applications like print-making. This relates to resource allocation, but limits application of the Bengston system because a defined data dictionary is not provided. The lack of a data dictionary limits the flexibility of the Bengston system without compiling a new program kernel and prevents real-time decisioning. In contrast, the present invention relates to decision-based applications where a data dictionary is used to provide industry-specific data accessible by the compiled program kernel in order to provide real-time decisioning. (See, generally, pp. 2-32). The data dictionary further enables the workflow management system of the present invention to be utilized in a number of different contexts simply by constructing data dictionaries specific to particular industries. Because Bengston fails to show, teach or disclose each and every element of amended independent claim 1, the rejection under §102(e) should be withdrawn.

Claims 2-7 and 21 depend from amended independent claim 1, and include all of the limitations of the base claim. Therefore, dependent claims 2-7 and 21 are allowable with amended

independent claim 1.

Amended independent claim 8 requires a workflow system that includes a workflow engine for performing task list processing and a drag-and-drop enabled workflow designer for configuring ordered task lists. As required by amended independent claim 8, the workflow engine performs discrete functions in an order determined by the ordered task list to ultimately render a financial offer decision to a remote user.

Bengston does not show, teach or disclose a system for processing workflows that renders financial decisions. Specifically, Bengston does not show, teach or disclose a workflow engine that renders a financial offer decision to a remote user. The present invention, as defined by amended independent claim 8, requires such a financial offer decision to be rendered to a remote user. Such a financial offer decision to a remote user can be, for example, a conditional loan offer or a loan rejection made to a remote customer. (See, generally, pp. 10, 14-19, 21-32, and 34-38; FIGS. 3, 6, 7, 9A and 9B). Because the system of Bengston does not show, teach or disclose rendering financial offer decisions, it fails to disclose each and every element of amended independent claim 8. The rejection under § 102(e) should therefore be withdrawn.

Claims 9-13 depend from amended independent claim 8, and include all of the limitations of the base claim. Therefore, dependent claims 9-13 are all allowable with amended independent claim 8.

Amended independent claim 15 relates to a system for programmatically rendering a process-based decision. As required by amended independent claim 15, the system includes administrative tools for creating process categories and checklists associated with each process and for modifying decision parameters in each checklist, a decision database, a workflow engine for automatically processing input from a remote user and generating an instant decision based on the processed input, and a messaging system for routing two-way communications between the remote user and a process administrator associated with the instant decision. The workflow engine is capable of brokering communications between the remote user and the process administrator.

Bengston discloses that messages are sent to users only for passive notification purposes and that workflows are executed in a "substantially autonomous manner". (Bengston, col. 11, ll. 27-30; col. 14, ll. 35-39; FIG. 1). The only commands sent by users, according to Bengston, are "initiating commands", which merely initiate workflows but do not occur in response to a messaging system forwarding a document for review and action. (Bengston, col. 11, ll. 5-8). In both cases, the limited messaging and initiating commands disclosed by Bengston effectuate only one-way communication. Amended independent claim 15 requires more than simply one-way communication. In particular, amended independent claim 15 requires processing input from a remote user and generating an instant decision based on the processed input, and requires a messaging system for routing two-way communications between the remote user and a process administrator associated with the instant decision. These limitations are missing in Bengston. Therefore, the rejection of amended independent claim 15 under §102(e) should be withdrawn.

Claims 16 and 17 depend from amended independent claim 15, and include all of the limitations of the base claim. Therefore, dependent claims 16 and 17 are all allowable with amended independent claim 15.

Amended independent claim 18 relates to a method for workflow processing and programmatic decision-making based on object-based processes stored in memory that requires receiving input from a remote source, determining programmatically an input type according to the received input, retrieving automatically a stored process checklist from a decision database according to the input type, processing programmatically the received information based on discrete decisioning parameters stored in a data dictionary associated with the stored process checklist, rendering an automatic decision based on the processed received information, and communicating programmatically the automatic decision to the remote source.

Bengston does not show, teach or disclose each and every element of amended independent claim 18. For the reasons discussed above, the system of Bengston does show, teach or disclose a data

dictionary or communicate programmatically an automatic decision to a remote source. Therefore, the rejection of claim 18 under §102(e) should be withdrawn.

Claims 19 and 20 depend from amended independent claim 18, and include all of the limitations of the base claim. Therefore, dependent claims 19 and 20 are all allowable with amended independent claim 18.

<u>Claim Rejections - 35 U.S.C. §103(a)</u>

Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bengston (U.S. Pat. No. 6,728,947). The November 20, 2005 Office Action states that "it would have been obvious, at the time of the invention, to one of ordinary skill in the art to appropriately configure the Bengston system to forward a document to a user for review and action in order to facilitate the intervening human step in the workflow." (Office Action, p. 14).

Amended claim 14 depends from amended independent claim 8 and further requires a messaging system for programmatically prompting a user to take action, such that completion of the ordered task list is dependent upon action taken by the user. Amended independent claim 14 is allowable in light of the foregoing discussion with respect to the rejection of claim 8, from which claim 14 depends. Moreover, amended claim 14 is also non-obvious over the prior art of record.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference. *In re Kotzab*, 217 F.3d 1365 (Fed. Cir. 2000); MPEP 4143.01. Rejections under 35 U.S.C. §103 must also rest on a factual basis. In making such a rejection, the examiner has the initial duty of supplying the requisite factual basis and may not, because of doubts that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in the factual basis. *In re Warner*, 37 F.2d 1011, 1017 (CCPA 1967), *cert denied*, 389 U.S. 1057 (1968). Moreover, while common knowledge and common sense may be applied to the analysis of evidence relied upon in making a rejection under 35 U.S.C. §103, they are not a substitute for evidence. *In re Lee*, 277

F.3d 1338, 1345 (Fed. Cir. 2002).

The Office Action provides no objective evidence that one of ordinary skill in the art would have known to modify Bengston to prompt a user for action and make completion of the ordered task list dependent on action taken by the user. In fact, Bengston teaches away from such a modification, disclosing only that messages are sent to users for passive notification purposes and that workflows are executed in a "substantially autonomous manner". (Bengston, col. 11, ll. 27-30; col. 14, ll. 35-39; FIG. 1). Moreover, according to Bengston, the only commands sent by users are "initiating commands", which merely initiate workflows but do not occur in response to a messaging system forwarding a document for review and action. (Bengston, col. 11, ll. 5-8). The messaging system disclosed by Bengston effectuates only one-way communication. The requirement of dependent claim 14 for "programmatically prompting a user to take action, such that completion of the ordered task list is dependent upon action taken by the user" requires more than simply one-way communication. However, modifying Bengston to provide the require level of intercommunication is not disclosed within Bengston, and no further evidence has been cited. Thus, there is no objective factual evidence of record to modify Bengston in the manner suggested in the Office Action. The rejection under §103 should therefore be withdrawn, because all of the pending claims are in condition for allowance.

CONCLUSION

Upon review of the cited art, applicant believes that all of the pending claims patentably define the invention over all of the art of record. Applicant believes the above amendments and remarks place all pending claims in allowable form and respectfully requests a Notice of Allowance.

The Commissioner is authorized to charge payment of any additional fees associated with this paper or credit any overpayment to Deposit Account No. 11-0982.

Respectfully submitted,

KINNEY & LANGE, P.A.

Date: 2.28.2006

By: _____
Austen P. Zuege, Reg. No. 57,907
THE KINNEY & LANGE BUILDING
312 South Third Street
Minneapolis, MN 55415-1002
Telephone: (612) 339-1863
Fax: (612) 339-6580

DRF/AZ